

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

|                          |   |                          |
|--------------------------|---|--------------------------|
| UNITED STATES OF AMERICA | ) |                          |
|                          | ) |                          |
| v.                       | ) | Crim No. 19-cr-10198-DPW |
|                          | ) |                          |
| SEBASTIAN BATISTA        | ) |                          |
|                          | ) |                          |
| Defendant.               | ) |                          |

**GOVERNMENT’S OPPOSITION TO DEFENDANT’S MOTION TO DISMISS  
INDICTMENT PURSUANT TO THE SPEEDY TRIAL ACT**

The United States of America, by and through Assistant United States Attorney Stephen W. Hassink, hereby opposes the defendant’s Motion to Dismiss the Indictment pursuant to the Speedy Trial Act. Docket No. 93.<sup>1</sup> The period of time from this Court’s opinion denying the defendant’s motion to suppress evidence on July 9, 2020, to the present date, should be considered excludable delay pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(1)(D), (h)(1)(H), and (h)(7)(A), on the grounds that two motions remained pending during that period, Docket Nos. 77, 83, and the ends of justice served in the delay outweighed the best interests of the public and the defendant in a speedy trial.

Contrary to the defendant’s argument, the delay between this Court’s July 9, 2020 opinion and the November 4, 2020 jury-waived trial was not the result of the government’s position with respect to a conditional plea. Rather, as this Court is well aware, up until late September 2020, courts in the District of Massachusetts were not holding jury trials due to the COVID-19 pandemic. Chief Judge Saylor promulgated multiple general orders to this effect.

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<sup>1</sup> The government incorporates the arguments from its Motion for Excludable Delay filed on September 21, 2020. Docket No. 83.

Moreover, when the parties presented this case for trial, it was placed on the trial list and promptly set for trial to begin on November 10, 2020. Given the current status of jury trials in this District, the delay was in the interests of justice and should be excluded.

November 3, 2020

Respectfully submitted,

Andrew E. Lelling  
United States Attorney

By: /s/ Stephen W. Hassink  
Stephen W. Hassink  
Assistant U.S. Attorney

**CERTIFICATE OF SERVICE**

I, Stephen W. Hassink, Assistant U.S. Attorney, do hereby certify that on November 3, 2020, I served a copy of the foregoing on the defendant's attorney by electronic filing.

/s/ Stephen W. Hassink  
Stephen W. Hassink  
Assistant U.S. Attorney